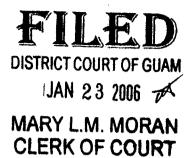
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## DISTRICT COURT OF GUAM

UNITED STATES OF AMERICA	Criminal Case No. CR-05-00016
Plaintiff,	) )
VS.	DECLARATION OF HOWARD TRAPP
CHRSITOPHER M. ESPINOSA,	
JONATHAN E. CANOVAS, and	
BRIAN WILLIAM ELM,	
Defendant.	) ) )

- I, Howard Trapp, declare that I am an attorney admitted to the practice of law in the courts of Guam including the District Court of Guam;
  - 2. I am competent to testify to the matters stated herein;
- 3. I regularly practice in the area of criminal defense, and I must often meet with persons incarcerated in the Guam Detention Facility and Federal Detention Facility, both of which are parts of the same place.
- 4. The courtyard area of the facilities is not a place where a confidential attorney-client communication can be held. The area is adjacent to holding cells occupied by detainees, separated by only metal bars. Also, guards are usually in the immediate vicinity and

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MEMORANDA RE: ADEQUACY OF FACILITIES TO CONFER WITH CLIENT HELD IN DETENTION

 frequently travel through the surrounding area during my meetings with clients. Many times while I am present with a client, other counsel, probation officers, and other persons will be within the same area, separated only by a few feet. In addition to being inadequate for confidential communications, the area is extremely uncomfortable. It has picnic tables with benches grouped under a twenty-foot by twenty-foot canopy. The canopy has numerous holes. When it rains, water reaches those underneath as a result of the wind blowing or holes in the canopy. When the sun is out and the wind is still, the area underneath the canopy is intolerably hot, and counsel and client perspire profusely. When the wind is strong, communications are even more difficult as papers and books must be secured to avoid them from blowing away;

- I am also familiar with a room prepared for use of video arraignments in the local court. The facility's supervisor's desk is within several feet of the door to that room. The door has a gap of three or so inches at the top and bottom and several inches on the sides.

  Guards, detainees, and other persons are usually in the area right outside the door. They can hear anything and everything being said. The room is a converted cell. It is adjacent to two occupied cells and several other cells used for storage.
- 6. No other facility is made available for attorney-client conferences. There once was a room in another building equipped with stools and air conditioning. It was completely sealed and allowed for confidential communications. That room is no longer made available. I am informed and believe that it is used for the storage of kitchen supplies.
- 7. I am concerned that I cannot carry on confidential communications with my clients without whispering when no one else is around the places provided for meeting with my clients;

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1	8. I believe the court should undertake to have the United States Marshals Service
2	provide a private location for attorney-client communications in a reasonable setting.
3	I declare under penalty of perjury that the foregoing is thus and correct.
4	Executed on January 23, 2006, at Hagåtña, Guam.
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7	HOWARD TRAPP
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